

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARSHALL MONROE,

Plaintiff(s),

vs.

GLORIA DEAN DAVIS, et al.,

Defendant(s).

2:13-cv-00863-GMN-NJK

ORDER

Before the Court is Defendants' Emergency Motion for Sanctions for Mr. Monroe's Failure to the [*sic*] Attend FRCP 35 Evaluation. Docket No. 21. The Court has reviewed Defendants' motion, Docket No. 21, Defendants' supplement to the motion, Docket No. 25, and Plaintiff's response, Docket No. 26. The Court finds this motion appropriately resolved without oral argument. Local Rule 78-2. For the reasons discussed below, Defendants' motion is hereby DENIED as moot.

DISCUSSION

Plaintiff was scheduled to attend a Rule 35 medical evaluation with board certified orthopaedic surgeon, Dr. Michael Elkanich, on January 23, 2014. Docket No. 21-1. Plaintiff failed to attend that examination. Docket No. 21, at 2. Thereafter, the parties agreed to reset Plaintiff's examination and extend the discovery deadline.¹ Docket No. 24. On January 27, 2014, Defendants filed the instant motion seeking monetary sanctions for the "no show" charges charged by Dr. Elkanich's office as well as an order compelling Plaintiff to attend a rescheduled evaluation with Dr.

¹The Court granted the parties' stipulation for extension of deadlines on January 28, 2014,. Docket No. 24.

1 Elkanich. Docket No. 21, at 3. Defendants also requested an extension to discovery deadlines. *Id.*
2 On January 29, 2014, Plaintiff responded to Defendants motion indicating that Plaintiff has already
3 agreed to attend a rescheduled evaluation, to extend discovery deadlines, and to pay the “no show”
4 charges to Dr. Elkanich’s office. Docket No. 26. Therefore, the Court finds that Defendants’ motion
5 is moot.

6 The Court instructs the parties that moving forward, they must withdraw motions which
7 request relief for disputes that no longer exist. Further, all motions to compel must satisfy the meet
8 and confer requirements of Fed.R.Civ.P. 37(a)(2)(B) and Local Rule 26-7(b).

9 **CONCLUSION**

10 Based on the foregoing, and good cause appearing therefore,

11 IT IS HEREBY ORDERED that Defendants’ Emergency Motion for Sanctions for Mr.
12 Monroe’s Failure to the [*sic*] Attend FRCP 35 Evaluation (Docket No. 21) is DENIED as moot.

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14 DATED: January 30, 2014.

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17 NANCY J. KOPPE
18 United States Magistrate Judge
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